

## **OVERVIEW OF URBAN AGRICULTURE REGULATIONS**

This informational handout provides a brief overview of urban agriculture regulations and answers to frequently asked questions regarding the rules that should be considered when planning an urban agriculture project in the City of Encinitas.

City Council Ordinance No. 2016-08, which was adopted by the City Council on May 25, 2016 and approved by the Coastal Commission on August 11, 2016, establishes:

- A new simplified permitting process for urban agriculture (Agriculture Permit).
- Allowances for “Community Garden” and “Farmers’ Market” uses.
- “Temporary Food Stand” allowed as a new use for residents interested in selling agricultural or cottage foods as defined by state law.
- “Beekeeping” allowed in all single family residential zones. Beekeeping was previously limited to two single family residential zones.

The Ordinance also:

- Allows existing uses such as “Agricultural Production” and “Roadside Agricultural Stands” with an Agriculture Permit rather than a Minor Use Permit.
- Allows the existing animal-related activity, “Small Animal Raising” with an Agriculture Permit rather than a Minor Use Permit (where a permit is required).

## **FOR FURTHER INFORMATION, REFER TO THE FOLLOWING ATTACHMENTS:**

1. USES REQUIRING AN AGRICULTURE PERMIT
2. BEEKEEPING REGULATIONS
3. COMMUNITY GARDEN REGULATIONS
4. TEMPORARY FOOD STAND REGULATIONS

## **GENERAL QUESTIONS ABOUT URBAN AGRICULTURE:**

### **CAN I RAISE SMALL ANIMALS ON MY PROPERTY?**

Yes. Existing regulations in the Municipal Code allow for small animal raising in all single family residential zones. The number of chickens allowed and setback requirements can be found in Chapter 30.55 (Animal Regulations) of the Municipal Code.

### **ARE HOAs ALLOWED TO RESTRICT URBAN AGRICULTURE?**

Yes, HOAs (homeowner associations) are allowed to adopt additional regulations. You need to comply with both and the more restrictive regulations apply. Check your HOA restrictions within your covenants and restrictions documents before you begin your project. The City does not interpret or enforce private HOA restrictions.

## I WOULD LIKE TO MAKE A COMPLAINT ABOUT NOISE, ODORS, ETC. WHAT SHOULD I DO?

The Code Enforcement Division has the primary responsibility of ensuring compliance with the City's various land use codes and regulations. To learn more on how to file a complaint, please call 760-633-2685 or visit their webpage:

<http://www.encinitasca.gov/index.aspx?page=397>

## WHAT IS MY PROPERTY ZONED?

E-Zoning is a convenient online zoning information service that the City's provides for those interested in accessing zoning information on a property. E-Zoning can be found at:

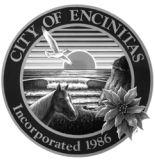
<http://www.encinitasca.gov/index.aspx?page=361>

## WHERE CAN I OBTAIN ADDITIONAL INFORMATION?

For more information on urban agriculture regulations, contact the Development Services Department at [planning@encinitasca.gov](mailto:planning@encinitasca.gov) or call 760-633-2710. You can also visit the department's public counter to learn more. We are located at:

**City of Encinitas  
Development Services Department  
505 South Vulcan Avenue  
Encinitas, CA 92024**





# USES REQUIRING AN AGRICULTURE PERMIT FAQ

CITY OF ENCINITAS DEVELOPMENT SERVICES DEPARTMENT  
505 SOUTH VULCAN AVENUE ENCINITAS CA 92024  
(760) 633-2710 • [PLANNING@ENCINITASCA.GOV](mailto:PLANNING@ENCINITASCA.GOV) • [WWW.ENCINITASCA.GOV](http://WWW.ENCINITASCA.GOV)



## WHAT USES REQUIRE AN AGRICULTURE PERMIT AND WHERE ARE THESE USES ALLOWED?

The following uses require an Agriculture Permit as outlined in the table below.

ENCINITAS MUNICIPAL CODE - CHAPTER 30.09 ZONING USE MATRIX															
<div>ZONE</div> <div>USE</div>	RR RR-1 RR-2	RS-11 R-3 R-5 R-8	R-11 R-15	R-20 R-25	MHP	OP	LC	GC	VSC	LI	BP	P/ SP	ER/OS/ PK	L- LC	L- VSC
Agricultural and Horticultural Production	A	A	A	A	A	A	A	A	X	A	A	A	X	A	X
Agricultural Roadside Stand <sup>1</sup>	A	A	A	A	X	A	A	A	A	A	A	X	X	X	X
<sup>1</sup> This is a primary use and must be adjacent to a Circulation Element Road, which is a major road, such as La Costa Avenue.															
Community Garden	A	A	A	A	A	A	A	A	X	A	A	A	Cm <sup>2</sup>	A	X
<sup>2</sup> Limited to improved and unimproved park sites outside of the Coastal Appeal zone. See Chapter 30.33 (Urban Agriculture) for additional information.															
Farmers' Market	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A <sup>3</sup>	A	A	A	A	A <sup>3</sup>	A	A <sup>3</sup>	A <sup>3</sup>	A
<sup>3</sup> Limited to sites with an existing church, school, or agricultural use.															
Roadside Sales of Agricultural Products	This use is accessory to a property where the primary use is agricultural production in Residential and Agricultural zones. See Section 30.48 (Accessory Use Regulations) of the Municipal Code.														
ENCINITAS MUNICIPAL CODE - CHAPTER 30.55 ANIMAL REGULATIONS															
Beekeeping (2 hives)	P <sup>4</sup>	P <sup>4</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X
<sup>4</sup> The keeping of 3 or more beehives on a regular basis is limited to RR and RR-1 zones and requires an Agriculture Permit.															
Small Animal Raising (1 to 10 animals)	P <sup>6</sup>	P <sup>5/6</sup>	X	X	X	X	X	X	X	X	X	X	X	X	X

<sup>5</sup> An Agriculture Permit is required for 11 to 25 animals maximum in the R-3, R-5, R-8, and RS-11 zones.

<sup>6</sup> An Agriculture Permit is required for 26 to 100 animals maximum in the RR, RR-1, RR-2, R-3, and R-5 zones (does not include R-8 and RS-11 zones).

**Legend:** A = Agriculture Permit   Cm = Conditional Use Permit (Minor)   P = Permitted   X = Prohibited

## **HOW MUCH DOES AN AGRICULTURE PERMIT COST?**

The fee is \$275 to process the application. Other fees may be involved such a building permit or grading plan; however, it will depend on the type and intensity of the project.

## **WHERE CAN I FIND THE AGRICULTURE PERMIT APPLICATION?**

The Agriculture Permit Application can be found online at the following link and at the department's public counter.

<http://www.encinitasca.gov/modules/showdocument.aspx?documentid=8242>

## **DO I NEED TO NOTIFY MY NEIGHBORS?**

Yes. A Citizen's Participation Plan (CPP) is required and the public notification radius is 300 feet. The Citizen's Participation Plan Handout can be found at the following link and at the department's public counter.

<http://www.encinitasca.gov/modules/showdocument.aspx?documentid=590>

## **WHERE CAN I GET ADDITIONAL INFORMATION?**

For more information, contact the Development Services Department at [planning@encinitasca.gov](mailto:planning@encinitasca.gov) or call 760-633-2710. You can also visit the department's public counter to learn more. We are located at:

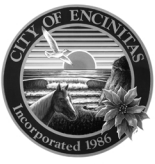
**City of Encinitas  
Development Services Department  
505 South Vulcan Avenue  
Encinitas, CA 92024**

## **OTHER CONTACTS**

- **BUILDING DIVISION** 760-633-2730\*
- **ENGINEERING DIVISION** 760-633-2770\*
- **STORMWATER HOTLINE** 760-633-2787\*
- **FIRE PREVENTION** 760-633-2820\*

\* LOCATED AT ADDRESS ABOVE

- **SAN DIEGUITO WATER DISTRICT**  
160 CALLE MAGDALENA  
ENCINITAS, CA 92024  
760-633-2650
- **OLIVENHAIN MUNICIPAL WATER DISTRICT**  
1966 OLIVENHAIN ROAD  
ENCINITAS, CA 92024  
760-753-6466



## **BEEKEEPING REGULATIONS**

### **WHAT IS BEEKEEPING?**

#### **HOW MANY HIVES ARE ALLOWED AND WHAT ARE THE REQUIRED SETBACKS?**

Beekeeping is allowed in all single-family residential zones (RR, RR-1, RR-2, R-3, R-5, R-8 and RS-11) based on the following tiers:

<b>Tier</b>	<b>Max Number of Hives</b>	<b>Distance from Road<sup>3</sup></b>	<b>Distance from Property Line<sup>4</sup></b>	<b>Distance from Neighboring Dwelling<sup>5</sup></b>	<b>Distance from Sensitive Sites</b>
<b>A</b> (All single –family residential zones)	2 <sup>2</sup>	25'	25'	35'	150'
<b>B<sup>1</sup></b> (RR and RR-1 Zones only)	20	50'	50'	100'	3-10 hives: 150' 11-20 hives: 300'
<b>C<sup>1</sup></b> (RR Zone only)	More than 20	50'	N/A	300'	450'

<sup>1</sup> Agriculture Permit Required

<sup>2</sup> Up to five hives are allowed on a temporary basis of 30 days to prevent swarming.

<sup>3</sup> The distance will be measured from the nearest edge of the road.

<sup>4</sup> If the property line extends into a thoroughfare/road, the distance will be measured from the nearest edge of the road.

<sup>5</sup> The distance will be measured from the nearest portion of the neighboring dwelling.

#### **WHAT ARE CONSIDERED SENSITIVE SITES?**

Sensitive sites are areas where people such as the elderly, small children, individuals with medical conditions or confined animals inhabit or frequent that may be more at risk if stinging incidents were to occur. These areas include, but are not limited to, schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, senior care facilities, medical facilities, kennels and horse-boarding facilities.

#### **IS A PERMIT REQUIRED FOR BEEKEEPING?**

An Agriculture Permit is required for Tiers B and C only. The Agriculture Permit Application can be found online at the following link and at the department's public counter.

<http://www.encinitasca.gov/modules/showdocument.aspx?documentid=8242>

#### **DO I NEED TO REGISTER MY APIARY WITH THE AGRICULTURAL COMMISSIONER?**

Yes. Within 30 days of establishing an apiary, the owner of the apiary shall register the apiary with the San Diego County Agricultural Commissioner the number of colonies and the location of each apiary. As part of registration process, beekeepers shall complete, sign and submit a Best Management Practices (BMP) Checklist at the time of annual registration. The beekeeper shall implement all the BMPs as required by the BMP Checklist. Information regarding registration, BMP checklist, and County beekeeping regulations can be found at:

<http://www.sandiegocounty.gov/awm/bees.html>

### **IS AN IDENTIFICATION SIGN REQUIRED?**

Yes. Beekeepers shall identify the beekeepers name and telephone number information on all apiary hives in black letters, not less than one inch high, on a background of contrasting color.

### **WHAT TYPE OF WATER SUPPLY IS REQUIRED?**

Beekeepers shall maintain an adequate and accessible supply of fresh water available at all times, including prior to introduction to a new location. If the property on which the apiary is located does not contain sufficient natural water, the beekeeper shall provide one or more water containers or water sources. The water supply shall provide landing sites for the honey bees to drink without drowning, undue competition, or over-crowding. It is unlawful for a beekeeper to allow a water source to become stagnant or a mosquito breeding site.

### **IS A FLYOVER BARRIER REQUIRED?**

Apiaries in Tier A and B with 20 or fewer colonies in a residential area within 300 feet of a neighboring dwelling shall maintain a six foot vertical-flyover barrier.

### **WHERE CAN I FIND ADDITIONAL INFORMATION ON BEEKEEPING?**

General beekeeping information can be found at:

- San Diego Beekeeping Society  
[www.sandiegobeekeepingsociety.com](http://www.sandiegobeekeepingsociety.com)
- American Beekeeping Federation  
[www.abfnet.org](http://www.abfnet.org)

## **GENERAL BEEKEEPING QUESTIONS**

### **WHAT TYPE OF BEES CAN I RAISE?**

Only Domesticated European sub-species of *Apis mellifera* honey bee.

### **WHAT IS AN APIARY?**

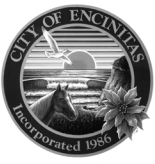
An apiary is where one or more managed hive(s) is located.

### **WHAT ARE HELPFUL WAYS TO REDUCE THE RISK OF BEESTINGS AND ENSURE MY APIARY DOES NOT BECOME A NUISANCE?**

- Discuss beekeeping with your neighbors.
- Survey your surroundings for neighbors and pets prior to opening/manipulating the hive.
- Face the hive opening away from entrances and walkways, and toward the most distant property line.

### **WHAT ARE SOME OF THE BENEFITS OF BEEKEEPING?**

- On average a beehive can produce approximately 25 pounds of honey a season.
- Increase in the number of docile honeybees and pollinators.
- Reduction in the number of aggressive (Africanized) bees in the vicinity of the docile beehive.



## **COMMUNITY GARDEN REGULATIONS**

### **WHAT IS A COMMUNITY GARDEN?**

#### **WHERE IS A COMMUNITY GARDEN ALLOWED?**

A community garden is permitted with an Agriculture Permit in most zones. Exceptions include Ecological Reserve/Open Space/Park Zones within the Coastal Appeal Zone, Visitor Serving Commercial and Limited-Visitor Serving Commercial Zones, which are prohibited. In addition, a community garden is limited to improved and unimproved park sites within the Ecological Reserve/Open Space/Park Zone and requires a Minor Use Permit.

#### **WHAT IS AN AGRICULTURE PERMIT?**

An Agriculture Permit is a new administrative permit specific to agricultural uses and activities. The application fee is \$250. The Agriculture Permit Application can be found online at the following link and at the department's public counter.

<http://www.encinitasca.gov/modules/showdocument.aspx?documentid=8242>

#### **WHAT ARE THE HOURS OF OPERATION?**

Hours of operation for a community garden shall be limited to the hours between sunrise and sunset. No motorized equipment shall be used on-site before 7 A.M. or after 7 P.M.

#### **IS PARKING REQUIRED FOR THE COMMUNITY GARDEN?**

No parking is required if adequate on-street parking is available within 400 feet.

#### **WHAT TYPE OF IRRIGATION IS RECOMMENDED?**

Potable water efficient irrigation techniques such as drip irrigation or micro-spray systems with timers to control watering times are encouraged. All hoses shall be equipped with a positive shut-off trigger nozzle. Mulching of planted areas is encouraged to retain plant moisture.

#### **IS COMPOSTING ALLOWED AT THE COMMUNITY GARDEN?**

Composting as an accessory use may be performed onsite within a composting container and shall comply with the following standards:

- Composted materials shall be only those materials generated onsite or contributed by active members of the community garden.
- Composting containers shall be as close as practicable to the center of the property and/or community garden.

#### **CAN PRODUCE GROWN AT THE COMMUNITY GARDEN BE SOLD?**

Yes. Existing regulations in the Municipal Code allow for roadside sales of agricultural products as an accessory use to the community garden with an Agriculture Permit. More details can be found in Section 30.48.040N of the Municipal Code.

## **IS THE KEEPING OF CHICKENS ALLOWED AT THE COMMUNITY GARDEN?**

The keeping of chickens (hens only, not roosters) at a community garden is allowed in residential zones and shall comply with the following provisions:

- The number of chickens and locations of enclosures for chickens at a community garden shall comply with the requirements of Chapter 30.55 of the Encinitas Municipal Code.
- A community garden that sells its produce to a retailer shall not locate the planting areas down slope from the chicken enclosure and animal waste may not be used to fertilize the community garden. The Department of Environmental Health recommends the garden be fertilized by a commercial fertilizer.

## **WHERE CAN I GET ADDITIONAL INFORMATION?**

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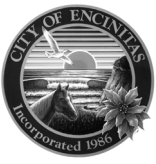
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## **ADDITIONAL RESOURCES**

- San Diego County Department of Agriculture, Weights, and Measures – Organic Farming  
<http://www.sandiegocounty.gov/awm/organic.html>
- San Diego County Department of Environmental Health – Community Gardens  
[http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/fhd\\_communitygardens.html](http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/fhd_communitygardens.html)





## **TEMPORARY FOOD STAND REGULATIONS**

### **WHAT IS A TEMPORARY FOOD STAND?**

#### **WHERE IS A TEMPORARY FOOD STAND ALLOWED?**

A temporary food stand is allowed by right as an accessory use in Residential and Agricultural Zones as outlined in Section 30.48 (Accessory Uses) of the Municipal Code.

#### **HOW LARGE CAN THE TEMPORARY FOOD STAND BE AND DOES IT NEED A BUILDING PERMIT?**

A temporary food stand may include non-permanent structures or portable furniture and shall not exceed 120 square feet in sale/display area. No building permit is required.

#### **WHERE CAN I PLACE THE TEMPORARY STAND?**

The temporary food stand, which is accessory to the residence, shall be placed on the property such that it does not create a nuisance/hazard or displace required parking on site.

#### **WHAT ARE THE HOURS OF OPERATION?**

Hours are for a limited duration of 12 hours a week during daylight hours.

#### **WHAT CAN I SELL?**

Sales are limited to agricultural products or cottage foods as defined by state law. No sale or display of other products is allowed.

#### **WHAT ARE COTTAGE FOODS?**

Cottage foods include, but are not limited to such items as baked goods without cream, custard or meat fillings, bread, biscuits, pastries, tortillas, jellies, nut mixes/butters, roasted coffee and dried tea, granola, herb blends, and honey. The complete list of foods is maintained by the California Department of Public Health at:

<http://www.cdph.ca.gov/programs/pages/fdbcottagefood.aspx>

#### **CAN I PREPARE COTTAGE FOODS IN MY HOME?**

The Cottage Food Law went into effect on January 1, 2013, allowing the production of certain low risk foods in home kitchens and sales directly and indirectly to the public. Cottage food operators will have to meet specified requirements pursuant to the California Health & Safety Code related to preparing foods in home kitchens and sales directly and indirectly to the public. A food processor training course must be completed and cottage foods must maintain food labels in accordance with federal and state regulations. For more information, contact the San Diego County Department of Environmental Health at:

<http://www.sandiegocounty.gov/content/sdc/deh/fhd/food/cottagefood.html>

## DO I NEED A BUSINESS REGISTRATION CERTIFICATE?

A Business Registration Certificate is required if sales from the agricultural products you have grown or cottage foods you have prepared exceed \$1500 in gross annual revenue and involve more than a single act or occasional act within the City. For more information, please call 760-633-2606 or visit the following link:

<http://www.encinitasca.gov/index.aspx?page=163>

## WHERE CAN I GET ADDITIONAL INFORMATION?

For more information, contact the Development Services Department at [planning@encinitasca.gov](mailto:planning@encinitasca.gov) or call 760-633-2710. You can also visit the department's public counter to learn more. We are located at:

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